

**REMARKS**

Entry of this Amendment is believed proper under 37 C.F.R. § 1.116 since no new issues are being raised which would require the Examiner's further consideration and/or search and the only claim amendments change claim 2 into independent form and move the subject matter of dependent claim 2 into the independent claim 26.

Claims 2, 6, 8, 17-23 and 26 are all the claims presently pending in this application. Claims 2, 17, 21 and 26 have been amended to more particularly define the claimed invention. Claim 25 has been withdrawn from examination. Claims 1, 5 and 7 have been canceled.

It is noted that the amendments are made only to more particularly define the invention and not for distinguishing the invention over the prior art, for narrowing the scope of the claims, or for any reason related to a statutory requirement for patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claims 1 and 26 stand rejected under 35 U.S.C. §102(b) as being anticipated by Danna, U.S. Pat. No. 5,221,021.

Claims 1-2, 17-20 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fischerkeller et al., U.S. Pat. No. 6,371,153, further in view of Danna, U.S. Pat. No. 5,221,021.

Claims 5, 7, 21 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Danna, U.S. Pat. No. 5,221,021, further in view of Ball, U.S. Pat. No. 2,208,621.

Claims 5-8 and 21-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable

over Fischerkeller et al., U.S. Pat. No. 6,371,153, further in view of Danna, U.S. Pat. No. 5,221,021 in view of Ball, U.S. Pat. No. 2,208,621.

These rejections are respectfully traversed in view of the following discussion.

## I. THE PRIOR ART REJECTIONS

### A. The 35 U.S.C. § 102(b) Rejection over Danna, U.S. Pat. No. 5,221,021

The Examiner alleges that Danna, U.S. Pat. No. 5,221,021, (Danna), teaches the invention of claims 1 and 26.

Applicant submits, however, that Danna does not teach or suggest, "wherein the display portion is disposed immediately below and apart from a chamber module including a fuel pump arranged on the inside of the fuel tank," of independent claims 2 and 26.

Danna fails to disclose the claimed feature that "the display portion is apart from a chamber module." See Applicant's Figs. 1A, 1C and 3A that clearly illustrate that Applicant's display portion 5 (5A-5C of Fig. 1B) is apart from, (i.e., not in contact with), the chamber module 2.

In Danna, the reservoir 16, (corresponding to the chamber module), is retained in proper position by surfaces 30, 32, (column 3, lines 30-31). The reservoir 16 contains a resilient portion 56 which is compressible and tends to rebound from its compressed state (column 3, lines 54-56). It is intended that dimension 60 always be greater than the distance 62 to ensure resilient biasing of reservoir 16 against upper and lower halves 22, 24. Reservoir 16 is retained in position within fuel tank 12 without the need of mechanical fasteners (column 4, lines 33-37).

That is, in Danna, the reservoir 16 is compressed in the tank at the resilient portion 56

so that the reservoir is retained without the mechanical fasteners by the resilient biasing.

Therefore, in Danna, an upper portion of the reservoir is pushed to the positioning surface 30 and a lower portion of the reservoir is pushed to the positioning surface 32, by the resilient biasing, (as clearly shown in Fig. 3 of Danna).

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art reference to Danna fails to teach or suggest each element and feature of Applicant's claimed invention.

**B. The 35 U.S.C. § 103(a) Rejection over Fischerkeller et al., U.S. Pat. No. 6,371,153 further in view of Danna, U.S. Pat. No. 5,221,021**

The Examiner alleges that Fischerkeller et al., U.S. Pat. No. 6,371,153, (Fischerkeller), further in view of Danna, U.S. Pat. No. 5,221,021, (Danna), makes obvious the invention of claims 1-2, 17-20 and 26.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Fischerkeller with the teaching from Danna to form the invention of claims 1-2, 17-20 and 26. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

Indeed, Applicant submits, however, that neither Fischerkeller, nor Danna, nor any alleged combination thereof, teaches or suggests, "wherein the display portion is disposed immediately below and apart from a chamber module including a fuel pump arranged on the inside of the fuel tank," of independent claims 2 and 26.

Even if Fischerkeller and Danna are combined, the combination does not disclose the

claimed feature that *“the display portion is apart from a chamber module.”* See Applicant’s Figs. 1A, 1C and 3A that clearly illustrate that Applicant’s display portion 5 (5A-5C of Fig. 1B) is apart from, (*i.e.*, not in contact with), the chamber module 2.

The Examiner states in the Office Action that it would have been obvious to add two bead portions (30, 32 of Danna), “as a means to align and properly secure chamber modules within a tank.” This statement is understood to mean that the portions 30, 32 of Danna would be provided to the structure of Fischerkeller so as to align and properly secure the chamber modules 34, 38 to the tank 18 of Fischerkeller.

In Danna, the reservoir 16, (corresponding to the chamber module), is retained in proper position by surfaces 30, 32 (column 3, lines 30-31). The reservoir 16 contains a resilient portion 56 which is compressible and tends to rebound from its compressed state (column 3, lines 54-56). It is intended that dimension 60 always be greater than the distance 62 to ensure resilient biasing of reservoir 16 against upper and lower halves 22, 24. Reservoir 16 is retained in position within fuel tank 12 without the need of mechanical fasteners (column 4, lines 33-37).

That is, in Danna, the reservoir 16 is compressed in the tank at the resilient portion 56 so that the reservoir is retained without the mechanical fasteners by the resilient biasing. Therefore, in Danna, an upper portion of the reservoir should be pushed to the positioning surface 30 and a lower portion of the reservoir should be pushed to the positioning surface 32, by the resilient biasing, (as clearly shown in Fig. 3 of Danna). Accordingly, if Danna's surfaces 30, 32 are provided on Fischerkeller, a lower portion of the chamber module 34, 38 of Fischerkeller would be pushed to Danna's positioning surface 32.

That is, even if Fischerkeller and Danna are combined, the combination does not

disclose the claimed feature that “*the display portion is apart from a chamber module.*” If Danna's positioning surface 32 is apart from the Fischerkeller's chamber module 34, 38 in the combination, the chamber module 34, 38 cannot be retained in position, and as such, Examiner's alleged combination teaching of the fuel tank will not work.

Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Fischerkeller and Danna (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

**C. The 35 U.S.C. § 103(a) Rejection over Danna, U.S. Pat. No. 5,221,021 further in view of Ball, U.S. Pat. No. 2,208,621**

The Examiner alleges that Danna, U.S. Pat. No. 5,221,021, (Danna), further in view of Ball, U.S. Pat. No. 2,208,621, (Ball), makes obvious the invention of claims 5, 7, 21 and 23.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Danna with the teaching from Ball to form the invention of claims 5, 7, 21 and 23. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

That is, Ball fails to make up for the deficiencies of Danna as discussed above.

The Examiner asserts Ball discloses bead portions separated by cut portions.

However, even assuming *arguendo* that the Examiner's position has some merit, Ball fails to teach or suggest, “wherein the display portion is disposed immediately below and

apart from a chamber module including a fuel pump arranged on the inside of the fuel tank.”

Therefore, Ball fails to overcome the deficiencies of Danna.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Danna and Ball (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

**D. The 35 U.S.C. § 103(a) Rejection over Fischerkeller et al., U.S. Pat. No. 6,371,153 further in view of Danna, U.S. Pat. No. 5,221,021 in view of Ball, U.S. Pat. No. 2,208,621**

The Examiner alleges that Fischerkeller et al., U.S. Pat. No. 6,371,153, (Fischerkeller), further in view of Danna, U.S. Pat. No. 5,221,021 in view of Ball, U.S. Pat. No. 2,208,621, (Danna and Ball), makes obvious the invention of claims 5-8 and 21-23.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Fischerkeller with the teaching from Danna and Ball to form the invention of claims 5-8 and 21-23. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

That is, Danna and Ball fail to make up for the deficiencies of Fischerkeller as discussed above.

The Examiner asserts Danna discloses the invention as applied to canceled independent claim 1, now incorporated into independent claim 2.

The Examiner asserts and Ball discloses bead portions separated by cut portions.

However, even assuming *arguendo* that the Examiner's position has some merit,

Fischerkeller and Ball fails to teach or suggest, “wherein the display portion is disposed immediately below and apart from a chamber module including a fuel pump arranged on the inside of the fuel tank.” Therefore, Danna and Ball fail to overcome the deficiencies of Fischerkeller.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Fischerkeller and Fischerkeller and Ball (either alone or in combination) fail to teach or suggest each element and feature of Applicant’s claimed invention.

## II. FORMAL MATTERS AND CONCLUSION

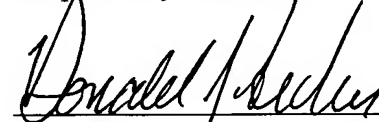
In view of the foregoing, Applicant submits that claims 2, 6, 8, 17-23 and 26, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: April 7, 2008

Respectfully Submitted,



Donald J. Lecher, Esq.

Reg. No. 41,933

Sean M. McGinn, Esq.

Reg. No. 34,386

**McGinn Intellectual Property Law Group, PLLC**

8321 Old Courthouse Rd., Suite 200

Vienna, Virginia 22182

(703) 761-4100

**Customer No. 21254**